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JANUARY MEETING, 1874.

A stated meeting was held on Thursday, 8th January, at eleven o'clock, A.M.; the President in the chair.

The Recording Secretary read the record of the last stated meeting and that of the special meeting.

The Librarian read the list of donors to the Library for the past month.

The Recording Secretary reported a gift to the Cabinet by Mr. Robert Clarke, of Cincinnati, of the picture of "The Tea-Tax Tempest," the same that was sent on for exhibition at the meeting at Mr. Waterston's, 16th December. The thanks of the Society were ordered for the gift.

The Librarian specially announced that the Pickering Papers, which had been placed in the hands of Mr. Upham for the purpose of completing the Memoir of Timothy Pickering, had now been placed in the Library, in accordance with the letter of Mr. Henry Pickering published in the Proceedings of the Society for December, 1869, p. 162. The MSS. comprise 68 vols.

A renewed expression of the thanks of the Society was voted to Mr. Henry Pickering for this valuable donation.

The Librarian reported that he had, agreeably to a vote of the Society at the November meeting, placed in the archives of the State the small bundle of papers found in the Cabinet.

He further reported that he had, in accordance with the vote at the last stated meeting, placed in the hands of the Attorney-General of the State the three volumes of "Hutchinson Papers," accompanied by a letter to that officer, prepared by the committee, and now communicated by him to the meeting. He had also taken a receipt for the volumes.

MASSACHUSETTS HISTORICAL SOCIETY,
BOSTON, Dec. 22, 1873.

HON. CHARLES R. TRAIN,
Attorney-General of the Commonwealth of Massachusetts.

SIR, — I am directed by a Committee, acting under a vote of the Massachusetts Historical Society passed December 11, to transfer to the Archives of the Commonwealth three volumes from the Library of the Society, containing documents lettered "Hutchinson Papers," which the Society had caused to be bound, and which it has had in charge for more than fifty years; and I would respectfully ask a receipt for the same.

The Committee desire to accompany this transfer, and would hope it may be accompanied in your communication to the Legislature, by the following historical explanation. In a report made to the Legislature by its own order, February 13, 1821, on the condition of the Records of the Commonwealth, Secretary Bradford said:—

“Several files of papers saved from the riot at Governor Hutchinson’s house, some of them of a private nature, and some of them public documents, collected by him probably as materials for his History of Massachusetts, and a volume of State Papers which he had published. These not being considered as belonging to the Government, or as any part of the Records of the Commonwealth, or ancient Colony or Province, *some of them*, valuable chiefly for their antiquity, were selected by the undersigned, with the consent and approbation of the Supreme Executive, and deposited in the Library of the Massachusetts Historical Society, a list of them being first made and kept in the Secretary’s office.”

The report from which this is an extract came to the knowledge of the Society at a late stage in the discussion as to the respective rights of the Commonwealth and the Historical Society in the above-named papers. Secretary Bradford, in his notes accompanying his contributions to the Society, had written that “he had obtained leave of the Council to present them to the Society.” But the use of the word *deposited* in the above extract, with the mention of a *list* of the Papers taken, as if with a view to the possible reclamation of them at some future time, disposed the Society to entertain for the first time the slightest doubt as to their absolute ownership in the manuscripts, which a former generation of its members had received, bound, and cared for as gifts. Though the requisition by the Legislature for the return of the Papers was not based upon this construction of the terms on which the Society held possession of them, the Society consented to surrender such of them as could be identified by an arbitrator as having come to it through the hands of Secretary Bradford. The list referred to by the Secretary in his report was not produced by the Commonwealth, and no corresponding list is in the archives of the Society. While, therefore, the Committee cannot perceive that any positive identification has been made of any considerable part of the Papers, distinguishing them from others that may have been in the Library of the Society, and received from other and earlier sources and bound with them, they are unwilling to avail themselves of this fact to prolong any further the issue between the Commonwealth and the Society.

Very respectfully your obedient servant,

SAMUEL A. GREEN,

Librarian of the Mass. Historical Society.

COMMONWEALTH OF MASSACHUSETTS,
ATTORNEY-GENERAL’S OFFICE, BOSTON, 9 COURT SQUARE,
Dec. 23, 1873.

Received of the Massachusetts Historical Society, by the hands of Dr. Samuel A. Green, three volumes lettered Hutchinson Papers,

Vol. I., 1-162; Vol. II., 163-319; Vol. III., 320-466, in compliance with the award of Robert S. Rantoul, Esq., the Arbitrator between the Commonwealth of Massachusetts and said Society.

CHARLES R. TRAIN,
Attorney-General of Massachusetts.

The report of the Arbitrator on the "Hutchinson Papers," communicated at the December meeting, here follows: —

No. 32 PEMBERTON SQUARE, BOSTON, Dec. 6, 1873.

To the Honorable CHARLES R. TRAIN, Attorney-General, and the Honorable ROBERT C. WINTHROP, President Massachusetts Historical Society.

GENTLEMEN, — Chapter eighty-one of the Resolves of the year eighteen hundred and seventy-one provides as follows: "That the Attorney-General be authorized to adjust the controversy between the Commonwealth and the Massachusetts Historical Society on these terms, namely: that the Society surrender to the Commonwealth all the documents called the Hutchinson Papers received by the Society from Secretary Bradford; the same to be identified by an arbitrator mutually selected, in case they cannot be otherwise agreed upon." The Attorney-General has so adjusted said controversy, and the parties failing to agree upon the papers to be surrendered, Robert S. Rantoul has been mutually selected as arbitrator.

The mass of papers sought by the Commonwealth to be reclaimed through these proceedings, and which the Society desires to restore, has been variously characterized as follows: —

The first mention in point of time which we have of any portion of them occurs in an entry upon the Society's Journal, dated October twenty-eight, eighteen hundred and nineteen, which is in these words: *Voted*, "that the letters found among the papers of Governor Hutchinson, and communicated by Mr. Bradford, be referred to the Publishing Committee."

January twenty-fifth, eighteen hundred and twenty, Mr. Bradford sent a letter resigning his membership of the Society, in which he says: "I send some more old papers selected from Hutchinson's files; some of which have not been published, and most of which are of an early date, and valuable for the purposes of the Society. Any thing that I may collect in future, worthy of being preserved, I shall cheerfully transmit."

At the Society's next meeting, January twenty-seventh, eighteen hundred and twenty, Mr. Bradford sent a letter, saying: "I send some very old letters and papers selected from the files left by Governor Hutchinson, with a list of them. Some of them have been printed in Hazard, and some in Hutchinson. But many of them were never printed, and are valuable. I have obtained leave of the Council to present them to the Historical Society. They are no part of the files of the Secretary's office." The Society, in their vote of that date, say: "The additional letters found by Mr. Secretary Bradford among the papers of Governor Hutchinson, and presented to the Society by the permission of the Governor and Council, were referred to the Publishing Committee."

At the next meeting, April twenty-seventh, eighteen hundred and twenty, "The additional Hutchinson papers, presented by Mr. Secretary Bradford, were referred to the Publishing Committee," by vote of the Society.

In a report which Mr. Secretary Bradford made to the Legislature by its own order, February thirteenth, eighteen hundred and twenty-one, "on the present condition of the public records and documents belonging to the Commonwealth," we find the following:—

"Several files of papers saved from the riot at Governor Hutchinson's house, some of them of a private nature, and some of them public documents, collected by him probably as materials for his History of Massachusetts, and a volume of State Papers which he had published. These not being considered as belonging to the Government, or as any part of the Records of the Commonwealth, or ancient Colony or Province, some of them, valuable chiefly for their antiquity, were selected by the undersigned, with the consent and approbation of the Supreme Executive, and deposited in the Library of the Massachusetts Historical Society, a list of them being first made and kept in the Secretary's office." Neither of the lists referred to has been found.

August twenty-sixth, eighteen hundred and twenty-three, it was voted by the Society: "That the additional Hutchinson papers, received this day from the Secretary of State, be referred to the Publishing Committee."

In the X. Volume, second series of the Society's printed Collections, page 181, published eighteen hundred and twenty-three, occur these words: "By direction of the Governor and Council of this Commonwealth, the Secretary of State has deposited with the Massachusetts Historical Society a large collection of documents, public and private, which appear to have been used by the late Thomas Hutchinson, Esquire, Governor of His Majesty's Province of Massachusetts Bay, in the composition of that History which will probably continue to be the best narrative of any of the settlements on this continent. Several of these papers are printed in the collection of papers by Hutchinson, sometimes called the third volume of his History.

"Those here printed have been transcribed with great care by gentlemen of experience in the chirography of the different seasons of their date. In succeeding volumes other pieces may enrich our Collections."

In a memoir of the Society prepared by appointment by Rev. Dr. Jenks for publication in the "American Quarterly Register" for eighteen hundred and thirty-eight, and afterwards incorporated in the Society's printed Collections, it is said that "the zeal of Alden Bradford, Esq., LL.D., one of the few survivors among its earliest members, and a large contributor to the history of his country, as well as to the Collections of this Society, induced him to obtain from the Government of the State permission to extract from the Hutchinson Papers in the Secretary's office such as the Society might deem worthy of publication."

It appears, then, that the collection for which we seek consisted of letters and papers, some of them of a private nature and some of them public documents; that it was a large collection; that its matter was of early date, some of which had been printed in Hazard, some in Hutchinson, and much not at all; that it was such as Governor Hutchinson might have used as material for his two volumes of Massachusetts History, and for his volume of State Papers, sometimes called the third volume of his History; and that it was such as Mr. Secretary Bradford and the State authorities of the day thought might be spared from the Secretary's office. No vote authorizing the transfer of these papers is found on the records of the Executive Council or elsewhere at the State House.

The outbreak which scattered Hutchinson's library occurred at his house near North Square on the evening of August twenty-sixth, seventeen hundred and sixty-five.

He left the country, superseded by General Gage, June first, seventeen hundred and seventy-four.

The first volume of his History appeared seventeen hundred and sixty-four, and covered the period embraced between the settlement of the Colony and sixteen hundred and ninety-two. His second volume appeared seventeen hundred and sixty-seven, and covered a succeeding period ending with the year seventeen hundred and forty-nine.

His volume of State Papers, intended to support with documentary proofs the authority of his first volume of History, appeared seventeen hundred and sixty-nine, and covered papers dated between sixteen hundred and twenty-nine and sixteen hundred and eighty-nine.

He contemplated the publication of a second volume of papers, which never appeared, and which was in like manner intended as an appendix to his second volume of History.

He also left in manuscript, afterwards printed, a volume of History covering the period from seventeen hundred and forty-nine to seventeen hundred and seventy-four.

His family had been domiciled here since sixteen hundred and thirty-four. He says that he had himself spent thirty years in collecting these historical materials, and that "many ancient records and papers came to me from my ancestors, who for four successive generations had been principal actors in public affairs; among the rest a manuscript history of Mr. William Hubbard, &c. I made what collection I could of the private papers of others of our first settlers."

That the mass of such material collected at Hutchinson's house was very great, and that a very considerable quantity of it must have found its way to the State House in consequence of the Confiscation Acts passed, and the vigorous measures adopted in enforcing them, will not be questioned. His friend and neighbor, Dr. Andrew Eliot, not only made his house a haven for these scattered treasures, but public notice was advertised requesting all persons into whose hands they might fall to return them there.

"When Lieutenant-Governor Hutchinson's house was pillaged and pulled to pieces by an infuriated mob, his books and MSS. were

thrown into the streets, and were in danger of being completely destroyed. Dr. [Andrew] E[liot] made every exertion to save them. Several trunks of MSS., among them the second volume of the History of Massachusetts Bay, were preserved by his care and attention, and he spent much time in assisting to arrange them." (Eliot's Biographical Dictionary.)

The dates at which the second volume of the History and the volume of State Papers appeared, both being subsequent to the dispersion of the library in seventeen hundred and sixty-five, as well as the fact that Hutchinson contemplated a second volume of State Papers, and a third of History, make it probable that such historical material of value in this connection as reached Dr. Eliot must have been by him restored to Hutchinson before the flight of the latter from the country, and have thus found its way to the State House, upon the confiscation of his literary effects.* The manuscript of his second volume of History, stated by Hutchinson to have been thrown into the street and to have been rescued by Dr. Eliot, was so restored, and is now at the State House.

That the sacking of the library was thorough, and that Hutchinson lost public papers as well as private, appears from his letter of August thirtieth, seventeen hundred and sixty-five. He writes, but four days after his loss, to Richard Jackson, Esq.: "Besides my plate and family pictures, household furniture of every kind, my own, my children's and servant's apparel, they carried off about £900 sterling in money, and emptied the house of every thing whatsoever, except a part of the kitchen furniture, not leaving a single book or paper in it, and have scattered or destroyed all the manuscripts and other papers I had been collecting for thirty years together, besides a great number of publick papers in my custody." That the quantity which found its way to the State House, whether through Dr. Eliot's care and pains or otherwise, was considerable, appears from the letter of Samuel Dexter, Esq., of Dedham, to whom had been committed the custody of Hutchinson's literary effects in the hands of the Commonwealth. He writes, October eighteenth, seventeen hundred and eighty-three, that he has them "deposited in a large box, weighing, with its contents, near one hundred pounds."

That the several trunks full of manuscript saved by Dr. Eliot were by no means all that Hutchinson lost, but that other material, which may have come to the State House after Hutchinson's flight, eluded the care of his friend and neighbor, appears from his statement in the preface to the second volume of History, that "the loss of many papers and books, in print as well as manuscript, besides my family memorials, never can be repaired. For several days I had no hopes of recovering any considerable part of my History, but, by the great care and pains of my good friend and neighbor, the Rev. Mr. Eliot, who received into his house all my books and papers which were saved, the whole manuscript, except eight or ten sheets, were collected together, and although it had lain in the streets scattered abroad several hours in the rain, yet so much of it was legible as that I was able to supply the rest, and

* See letter of E. Eliot, Dec. 1814, in 2 Mass. Hist. Coll. III. 289.

transcribe it. The most valuable materials were lost, some of which I designed to have published in the appendix."

Trunks containing letter-books and papers were seized at Governor Hutchinson's house at Milton Hill, after his flight, by the provincial congress of Massachusetts.

"COMMITTEE OF SAFETY, April 29, 1775.

"*Voted*, That orders be given to General Thomas for seizing Governor Hutchinson's papers."

"May 1, 1775.

"*Voted*, That General Thomas be and he hereby is directed and empowered to stop the trunks mentioned to be in Colonel Taylor's hands, until this committee send some proper persons to examine their contents."

"GENTLEMEN, — In consequence of directions from the Committee of Safety, I sent an officer on whom I could depend to the house of Governor Hutchinson, who brought off all the papers he could find in that house; but I was informed that Colonel Taylor, of Milton, had lately taken several trunks out of the governor's house, not many days ago, in order to secure them from being plundered. I immediately sent another messenger to Colonel Taylor for all the papers that belonged to Governor Hutchinson which he had in his possession. He sent me for answer, he did not know of any papers that belong to said Hutchinson; but just now comes to inform me that there are several trunks in his house, which he took as aforesaid, which he expects will be sent for very soon. I suspect there may be papers in said trunks, and if it is thought proper two or three judicious persons be sent to break open and search for papers, he will give them his assistance. This, gentlemen, is submitted to the consideration of the honorable committee.

"I have, gentlemen, the honor to subscribe myself your most obedient humble servant,

"JOHN THOMAS.

"ROXBURY CAMP, May 2, A.D. 1775."

"May 15, 1775, A.M.

"*Ordered*, That Mr. Fisher, Colonel Field, and Mr. Bullen be a committee to examine the letters of Governor Hutchinson lately discovered, and report to this Congress such letters and extracts as they think it will be proper to publish."

"May 16, 1775, afternoon.

"*Ordered*, That Mr. Freeman and Doct. Holten be added to the committee appointed to examine Hutchinson's letters."

"May 29, 1775.

"It being expected that the present congress will be dissolved this night, and hearing that one volume of copies of Mr. Hutchinson's letters are in the hands of Captain McLane, at the upper paper mills in Milton, which volume may be of use to this colony, if in the hands of the Provincial Congress; therefore —

"Resolved, That the Rev. Mr. Gorden, of Roxbury, be desired and empowered to receive from said Captain McLane all such copies as are in his hands, or in any other hands, and to be accountable to the present or some future congress for the same."

Mr. Secretary Bradford, and those State officials with whom he advised, may well have supposed that of this large mass of manuscript once in the possession of Hutchinson, which he found at the State House, letters written to or by Hutchinson only possessed a political value, and that the rest, being of purely historical or antiquarian interest, might find a fit resting-place with the Historical Society. This view finds countenance in the votes and proceedings had by the authorities of the Province at the time of Hutchinson's departure. It was primarily these letters, written by or addressed to Hutchinson, and which, as it was supposed, were well calculated to convict the writers of hostility to the rights and liberties of America, which were vigorously sought out and vigilantly preserved. Such, indeed, are the contents of the three volumes of "Hutchinson's Correspondence" from seventeen hundred and forty-one to seventeen hundred and seventy-four, retained at the State House by Mr. Secretary Bradford, and subsequently bound, and which, with a fourth volume containing the manuscript History above alluded to as saved by Dr. Eliot, and little else, comprise all that now remains at the State House of the collection of papers once in Hutchinson's possession.

"IN THE HOUSE OF REPRESENTATIVES, August 18, 1775.

"Ordered, That Colonel Orne and Mr. Cushing, with such as the honorable board shall join, be a committee to consider what is proper to be done with the letters of the late Governor Hutchinson, and how they shall be preserved.

"Sent up for concurrence.

"JAS. WARREN, *Speak'r.*

"IN COUNCIL, August 19, 1775.

"Read and concurred, and John Adams, Esq., is joined.

"S. ADAMS, Sec'y."

"The committee above-named report that it is of great importance that the letters and other papers of the late Governor Hutchinson be carefully preserved, as they contain documents for history of great moment; and that evidence in the handwriting of a man whose nefarious intrigues and practices have occasioned the shedding of so much innocent blood, and brought such horrid calamities on his native country, may be preserved for the full conviction of the present and future generations; and therefore that such of the letters and papers aforesaid as are not now in the custody of the Honorable Samuel Dexter, Esq., of Dedham, be delivered to him, and together with those already under his care, faithfully kept by him, until the further order of this court, and that such of them be published from time to time as he shall judge proper."

(Signed),

"JOHN ADAMS, *per order.*"

"COMMONWEALTH OF MASSACHUSETTS,
"IN THE HOUSE OF REPRESENTATIVES, Oct. 14, 1783.

"*Whereas*, In the year seventeen hundred and seventy-five certain letters were found in the mansion-house of Thomas Hutchinson, Esq., late governor of the province of the Massachusetts Bay, written by the said Hutchinson to persons of public character and others in England and elsewhere, which letters tend to the discovery of the plans which had been secretly laid for the destruction of the rights, liberties, and privileges of the then British colonies; and whereas the said letters were committed to the care of the Honorable Samuel Dexter, Esq., with permission to the Rev. Doctor William Gordon to take and select such of them as he should judge proper for immediate publication;

"And *whereas*, It is highly expedient that papers so adapted as the said letters appear to be to mark the leading principals and characters in the late happy American Revolution should be safely kept among the archives of this Commonwealth, so that the historian and others may avail themselves thereof, under the direction of the General Court:

"*Resolved*, That the said Samuel Dexter, Esquire, Doctor William Gordon, and all others who are possessed of any of the said letters of the said Thomas Hutchinson, Esquire, be and they hereby are required to return the same into the Secretary's office without delay.

"*Ordered*, That the Secretary serve the said Samuel Dexter, Esquire, and Dr. William Gordon with an attested copy of the foregoing resolution, and also to publish the same in one of the Boston, the Salem, Worcester, and Springfield newspapers."

"IN THE HOUSE OF REPRESENTATIVES, Oct. 14, 1783.

"*Ordered*, That the Secretary be and he hereby is directed forthwith to make application to the Honorable Samuel Dexter, Esq., and the Reverend William Gordon, Doctor of Divinity, for the letters of the late Governor Hutchinson, which were found within this State, after he left the same, and to receive the same letters from any person in whose possession they may be, and to file them carefully among the papers of this State.

"Sent up for concurrence.

"TRISTRAM DALTON, *Sp'kr.*

"IN SENATE, Oct. 15, 1783.

"Read and concurred as taken into a new draft.

"Sent down for concurrence.

"S. ADAMS, *Presid't.*

"IN THE HOUSE OF REPRESENTATIVES, Oct. 16, 1783.

"Read and concurred.

TRISTRAM DALTON, *Sp'kr.*

"Approved.

"JOHN HANCOCK."

But we know something in detail of the papers composing Bradford's donation to the Society.

In Volume IX., second series of the Society's Collections, a list of fifteen items is acknowledged under the title of "Old letters and papers from Governour Hutchinson's MS. Collection," given by "Alden Bradford, Esq., Secretary of State."

In the next number, Volume X., of the same publication, occurs the acknowledgment already quoted, followed by the production in full of four other papers. The next, being Volume I. of the third series, opens with this announcement:—

"HUTCHINSON PAPERS."

"The publication of the series of documents begun in our last volume under this title is now continued."

And this head-note is followed by the printing in full of some sixty or more papers indexed under fifty-five titles, two of which papers had been acknowledged in the list of fifteen items above referred to.

Volume IX., second series, bears date eighteen hundred and twenty-two, and was actually in print early enough in that year to be acknowledged by a corresponding society in Philadelphia, May seventh, eighteen hundred and twenty-two.

Volume VIII., preceding it, was printed in eighteen hundred and nineteen, being acknowledged at Philadelphia, February, eighteen hundred and twenty.

Volume X., next succeeding it, bears date eighteen hundred and twenty-three.

Volume I., third series, next issued, eighteen hundred and twenty-five, and the imprint on Volume Second indicates that no other volume was issued after that until eighteen hundred and thirty.

Mr. Bradford was Secretary of the Commonwealth from eighteen hundred and twelve to eighteen hundred and twenty-four.

His first donation appears upon the Society's records October twenty-eight, eighteen hundred and nineteen.

Volume VIII., second series, was in print before the end of that year. His donations and the references of them to the Publication Committee cease with the vote of August twenty-sixth, eighteen hundred and twenty-three; and it is in Volume X., second series, dated eighteen hundred and twenty-three, but not acknowledged at Cambridge until July twelfth, eighteen hundred and twenty-four, and in Volume I., third series, dated eighteen hundred and twenty-five, that the publication in full of Hutchinson's Papers occurs.

On the morning of November tenth, eighteen hundred and twenty-five, occurred the disastrous fire in the office of the Honorable James Savage, in Court Street, which destroyed valuable manuscripts belonging to the Society.

Mr. Savage was a member of the Publication Committee for Volumes VIII. and X. of the second series, and I. of the third series, and as such had the right, denied to other members, of taking manuscripts into his private keeping.

Of the papers covered by the list of fifteen items admitted to have come from Bradford, though referred to the Publication Committee, but two were printed. One paper in the list had been already printed in

Hazard, and one in Hutchinson's first volume of History. These papers, taken in connection with the four from Bradford printed in the next issue, cover dates between sixteen hundred and twenty-five and seventeen hundred and seven. Some of them are private letters, some of them are public official documents.

The same general character pervades the papers published under fifty-five titles in Volume I., third series, which cover dates ranging between the years sixteen hundred and forty-one and seventeen hundred and seventy. The several papers given by Bradford which had been printed in Hutchinson's third volume of State Papers are not among these.

The Massachusetts Historical Society presents for examination a single mass of papers. This mass containing, with a few scattering exceptions, all the Hutchinson papers now known to remain in its possession is comprised in three bound volumes, containing four hundred and sixty-six folios, which may be subdivided among not far from two hundred and fifteen separate documents. These are mostly in manuscript, and are lettered "Hutchinson's Papers." They are arranged, as is the usual practice with miscellaneous masses of papers whose only bond of unity is a common source, with no reference to authorship or subject-matter, but, with a single exception presently to be noticed, in the chronological order of their dates.

This mass of papers was arranged, indexed, and procured to be bound up by the Honorable B. R. Nichols, pursuant to a vote of the Society, April twenty-five, eighteen hundred and twenty-two, requesting him "to cause the whole or a part, at his discretion, of the Hutchinson papers to be bound;" and he was thanked at a meeting held August twenty-sixth, eighteen hundred and twenty-three, "for his valuable labors in arranging the Hutchinson papers." At that meeting Bradford's last donation was referred to the Publishing Committee. Bradford had ceased to be a member of the Society. For three years no gift from him had been acknowledged. If he had forwarded this supplementary gift to Mr. Nichols while the mass was in the hands of the binder, instead of sending it to the rooms of the Society, we might expect that some of the manuscripts of this gift most worthy of preservation would have been included within the covers, and that the whole donation would have been announced and acknowledged when the bound mass and the other papers, if any, came before the Society.

Accordingly we are not unprepared to find that after the third of these bound volumes was completed and indexed, but before the lettering by the binder, a few documents were added out of their chronological places in the mass, and indexed in violation of the alphabetical order previously adhered to.

The contents of this mass are as heterogeneous as are the papers acknowledged to be of Bradford's gift. They range in date from the letter of March third, sixteen hundred and twenty-five, already cited as printed in second series, Volume X., to a letter about the Marshpee Indians, addressed to Governor Hutchinson five years after the loss of his library, and also printed in Volume I., third series; but nearly, the whole of them bear date prior to the year seventeen hundred.

Among them are two copies, one in print and the other in writing, of the demand made by citizens of Boston upon Sir Edmund Andros at Fort Hill, which demand is found printed in Hutchinson's first volume of History. This document is acknowledged in Volume VIII., second series, printed in eighteen hundred and nineteen, as the gift of Bradford; but the vote of October twenty-eight, eighteen hundred and nineteen, referring the letters found by Mr. Bradford among the papers of Governor Hutchinson and communicated to the Society, to the Publishing Committee, calls for others, since this document in duplicate would not be called "letters," nor, being already in print, would it be referred to the Publishing Committee.

The mass exhibited further contains, scattered through it, all the documents covered by the list of fifteen items acknowledged as the gift of Bradford, and also the four documents acknowledged and printed in Volume X., second series, as from Bradford. It contains four documents written after the destruction of the Hutchinson library. Two-fifths of its contents bear marks of the handwriting of Alden Bradford, in some instances so concealed in the process of binding as to show that the indorsements, comments, and annotations made by him were made before the papers passed through that process. The papers acknowledged as from Bradford do not include all bearing his handwriting, nor do those bearing his handwriting include all the papers acknowledged to have been of his donation.

The presence of consecutive numbers on some of these documents makes it probable that they had been filed by numbers, and lists made of them. While the absence of most of the numbers which the sequence calls for makes it probable that Mr. Nichols did not find it in his discretion to cause the whole of the donation to be bound, as, in the discretion of the Publishing Committee, but a small fraction of the list of fifteen had been thought worth printing.

The mass contains some thirty papers printed in Hutchinson and a few in Hazard. It contains all of the Hutchinson papers printed in the Volume I., third series, under fifty-five titles, which are now known to be in existence. About half of these are not to be found. The fact already stated of the occurrence of a fire in the office of a member of the Publication Committee, at about the time when this volume was in press, affords perhaps the readiest explanation of their loss.

If there had been in the hands of the Society at the time of Bradford's gift a mass of unbound Hutchinson Papers, that gift might naturally have been merged therewith, and the records might be expected to bear witness to the fact. On the contrary, there is no allusion to the existence of a class of papers to which these could be referred. They were at once accepted and treated as a new accession to the Society's wealth. They were not dispersed or filed according to subject, authorship, or date, but were at once referred for publication, and Hutchinson papers were at once committed to a lately elected member for arrangement and binding. Up to the date of Bradford's gift, no proposition for the printing, no proposition for the binding of

Hutchinson papers had ever engaged the Society's attention. Fourteen members were then living who took part in its formation, or joined it as early as seventeen hundred and ninety-three.

Here, then, we have a mass of papers called into being by the gift of Bradford, put together, in its present shape, by the Society at that time, and treated by the Society from that time forward as a unit, and possessed of every known characteristic of the mass for which we are seeking. If it should appear that there were incorporated with this mass, in the binding, papers other than those given by Bradford, then the Society would be called upon to designate and reclaim such papers.

There is no ground for the belief that the Society ever had such papers which may have been so incorporated unless it be those described by Dr. Belknap in seventeen hundred and ninety-two as "originals of Hutchinson's collection." Record and tradition, catalogue and donation book, are alike silent on the existence of any others. A single mention of these originals in a memorandum of Dr. Belknap would not be ground for concluding that, if they are not now to be traced elsewhere, therefore they are incorporated in the bound volumes in question. The memorandum of Dr. Belknap covers forty-four items of manuscript in the Society's possession in seventeen hundred and ninety-two. A large part of these are not now to be found.

I suggest a possible explanation of the fate of these "originals."

The Honorable James Winthrop of Cambridge was one of five original promoters of the Society. He is spoken of in Dr. Palfrey's semi-centennial address as one who was "in possession of original historical materials thought to be of value," and he is uniformly treated as one from whom much was expected. These five gentlemen each invited a friend to join them; and the group of ten thus formed, recognized ever since as the founders of the Society, proceeded at an early day to present lists of the contributions each proposed to make to the common collection. Nine of these lists have been examined. Of these Mr. Winthrop's is distinguished for the paucity and comparative insignificance of its items, and for nothing else, unless the first item on it covers the same "originals" which form the first item on Dr. Belknap's memorandum made at the same period. As at first written, it contained a promise of pamphlets and four gifts, the second, third, and fourth of which were manuscripts. The first gift is entitled "Governor Hutchinson's collection of papers." If this gift was the printed volume of State Papers, sometimes called Hutchinson's third volume, then the Society started with two copies of that book, one of which was the contemporaneous gift of a founder, and received another copy by gift January twenty-seventh, eighteen hundred and seven. Neither catalogues nor records indicate such redundancy.

If, on the other hand, Judge Winthrop gave a volume of Hutchinson's originals, that fact explains the first item in Dr. Belknap's list of manuscripts in the Cabinet of the Society in seventeen hundred and ninety-two, as well as the paucity of Judge Winthrop's list. No other of the nine lists of early donations throws light upon this question. The tenth, that of Dr. Baylies, is wanting.

The early catalogues afford no help. But two were in print before eighteen hundred and twenty two-three, that of seventeen hundred and ninety-six and that of eighteen hundred and eleven. Neither these nor the various catalogues written out from time to time indicate the presence of this manuscript collection. Catalogues in those early days were made with the purpose of guiding members to the use of books kept for circulation on the shelves, rather than as an exhaustive inventory of the Society's hidden treasures.

Among the entries of books and manuscripts taken out, and it will be remembered that manuscripts could be taken out only by members of the Publication Committee, is the following under the name of Honorable James Savage:—

Oct. 27, 1825. Hutch. Hist. of Mass. Vol. 3. } *Lost in the fire.*
2d Vol. Winthrop's Hist. N. E., MS. }

The date of the fire in which perished the Treasurer's accounts from the foundation of the Society as well as the second volume of Winthrop's manuscript history, the nineteenth volume of the Trumbull manuscripts, and much valuable printed matter, was November tenth, eighteen hundred and twenty-five.

May first, eighteen hundred and twenty-six, six months after the disaster, in a letter to Honorable John Davis describing the Society's losses, and again, four months later, in his annual treasurer's report to the Society, August twenty-ninth, eighteen hundred and twenty-six, Mr. Savage speaks of the lost volume in identically the same words as "the Vol. of Hutchinson's curious collections." If these words were selected to convey a sense of irreparable loss lingering through a considerable interval of time in the mind of Mr. Savage, they would seem to be aptly chosen. But they do not apply so well to the destruction of a printed volume which a few weeks' time and a small sum of money might be expected to replace, and of which the Society had received three copies by gift in the first sixteen years of its existence, and has now two other copies given since eighteen hundred and fifty, and part of a third copy given in eighteen hundred and thirty-seven. Unfortunately the Belknap memorandum was not brought to the attention of the Society before Mr. Savage's memory had felt the touch of decay's effacing finger.

But, again, it is not impossible that these "originals," for we have no means of estimating their quantity, are all in existence to-day in the Cabinets of the Society. Besides the Winthrop copy of the Charter, which is the first paper printed in Hutchinson's collection, and some of the Higginson manuscripts which immediately follow it in that volume, the Society has, bound up with its miscellaneous manuscripts, a number of originals of letters printed in Hutchinson's collection, dated from sixteen hundred and thirty-nine to sixteen hundred and sixty-one, which, so far as I can learn, may all have been in its possession at the date of Dr. Belknap's list in seventeen hundred and ninety-two.

The controversy between the parties to this arbitration dates from

a letter written by Mr. Secretary Palfrey, January first, eighteen hundred and forty-six.

There were then continuing in the fellowship of the Society nine members who joined it before Bradford's gift in eighteen hundred and nineteen, and six others who joined it before August, eighteen hundred and twenty-three. One of them was the Honorable B. R. Nichols, and the latest survivor of them was the Honorable James Savage, whose membership began in eighteen hundred and thirteen, who was most familiar with the volumes bound by Mr. Nichols, as frequent traces of his handwriting attest, who was of the Publication Committee which culled them for printing, and who was present when Mr. Nichols was thanked for arranging them.

Mr. Bradford's membership covered the period between seventeen hundred and ninety-three and eighteen hundred and twenty.

The traditions of the Society have been unbroken from the beginning; and if any Hutchinson papers, previously in possession of the Society and derived from other sources, had been incorporated by Nichols into the three volumes in question, there were those in the Society in eighteen hundred and forty-six, when the whole mass was claimed by the State, and for some years thereafter, who could have established the fact, if they could not have designated the papers. These gentlemen, second to none in their anxiety to retain in the Society's hands by all honorable means the papers demanded by the State, if they could have designated any among the mass which they knew or believed to have been in the Society's Cabinet before eighteen hundred and nineteen, would gladly have done so. But they have not done so. And from the date of the State's claim down to the production of the Belknap memorandum twenty years later, no proof was adduced of the supposed existence of Hutchinson papers in the hands of the Society before Bradford's gift, which papers might have become incorporated therewith; but the claim of the Society in that behalf was purely conjectural.

I therefore find that the three volumes exhibited to me and lettered —

“HUTCHINSON'S PAPERS,”

Vol.	Vol.	Vol.
I.	II.	III.
1-162,	163-319,	320-466,

respectively, contain all the documents called the Hutchinson Papers, now known to be in the possession of the Massachusetts Historical Society, which are known to have come into its possession through the hands of Alden Bradford; that whatever else they contain, if any thing, having been voluntarily added by the Society with full knowledge of the facts, must be reclaimed by the Society; that said volumes are not proved to contain any Hutchinson papers which did not so come into its possession; that a very extended and thorough investigation has disclosed no reason for supposing that they contain any such papers derived from other sources; that the papers constituting those volumes

are sufficiently identified as being part, if not all, of the documents called the Hutchinson Papers received by the Society from Secretary Bradford; and that they should be surrendered to the Commonwealth in accordance with the terms of this arbitration.

Perhaps I need not add that no suspicion of intended wrong attaches to any person connected with this controversy, and that every possible facility and courtesy have been extended to me by the officers of the Historical Society in the prosecution of a laborious and somewhat delicate research.

ROBERT S. RANTOUL.

Mr. ELLIS AMES spoke of the insecurity of public papers in the archives of the State; and Mr. T. C. AMORY said he was impressed with the importance of a better system for the preservation of public documents in the archives of the State and of the nation, and he thought some recommendation should proceed from this Society for securing this object.

The Corresponding Secretary read letters of acceptance from Judge M. F. Force, of Cincinnati, and from Dr. J. G. Holland, of New York.

The President reported that the sum of \$1200 a year for three years had been subscribed by members for aiding the publication of the "Collections" of the Society on the conditions previously named; and he therefore nominated the following committees of publication: Messrs. Deane, Robbins, and Brooks, for a volume of Belknap Papers; Messrs. Adams, Frothingham, and W. Warren, for a volume of Revolutionary Papers. These to be followed by a volume of Winthrop Papers, to be prepared by the former committee on the Winthrop volumes, — viz., Messrs. Winthrop, Deane, Robbins, and Smith.

Voted, to confirm these nominations.

The President called attention to the fact noticed in a recent letter from Mr. Grigsby, that our Honorary Member, Horace Binney, had on the 4th instant entered upon his 95th year in good health.

He also read a letter from our associate, Mr. W. T. Davis, furnishing a list of volumes of the Society's publications wanted to complete the set in the library of the Pilgrim Society at Plymouth.

Voted, to supply the volumes wanting so far as they can be spared.

Mr. WATERSTON exhibited a beautiful English engraving, entitled the "Genius of Liberty."

Mr. APPLETON exhibited an engraved seal of Jamaica, and said: In July, 1862, Dr. John Appleton, Assistant Librarian,

communicated to the Society an account of the great seal of New England, under the government of Sir Edmund Andros. In a volume entitled "MEDALS, COINS, GREAT SEALS, AND OTHER WORKS OF THOMAS SIMON," may be seen an engraving of a seal, which probably suggested the design of the great seal of New England. It is a seal engraved by Simon, the chief medallist artist of the Commonwealth and reign of Charles II., for the island of Jamaica. It represents the king seated on his throne, and before him a kneeling negress, who offers the king a dish of pine-apples. In the air are three angels, instead of one, as in the seal of New England, in which latter also the king is standing. It seems, from the records printed in the Appendix, that this seal of Jamaica cost £70, and that Simon engraved "a large steel seale for Virginia, with his Majestie's arms in a garter, and the Imperiall crown, with this motto, 'JUDAT VIRGINIA QUINTUM,'" at the price of £20. The first word of the motto is, of course, a misprint for EN DAT.

The President communicated the following from his family papers:—

Oaths of Allegiance.

Yoⁿ J. C., doe sweare faith and Allegiance to his Maj^{ty} Charles y^e Second, as duty binds according to y^e word of God. And yoⁿ doe heereby acknowledge that the Pope, nor any other potentate hath pow^r or authority or iurisdiction in any of his Maj^{ties} dominions, and y^t only his Ma^{ty} our soverⁿ Lord King Charles hath under God, supreme power in his Ma^{ties} dominions. And I doe abhor y^e detestable opinion y^t the pope hath pow^r to Depose princes. And this I doe from my hart, soe help me God.

Indorsed,— "Copy of the oath of Alegiance w^{ch} M^r Leete & M^r Jones and M^r Caner took at N. Haven. M^r Crane took it in y^e presence of M^r Jones May 7. 1666. M^r Leete & M^r Jones took it together May 8. 1666. at N. Haven."

Whereas those of the sea side plantations are remote frō those other Magistrates Impowred, I doe therfor heerby also Impowre M^r Williā Jones and M^r Jasper Crane and M^r Samuella Shermā, and M^r Nathan Gold to administer the oath of Obedience or Alegeance according to his Ma^{ty} Charter granted to this Colony of Connecticut in New England.

J. W.

Oct. 12. 1665.

Indorsed,— "Copy of the order to M^r Jones & M^r Gold for to give y^e oath of obedience."

Justices Oath.

You, A. B., Swear by the Name of the Everliveing God, that as Justice of the peace in the County of H. according to the Comissⁿ

Given you, you shall dispence Justice Equally and Impartially in all Cases, and doe Equal Right to the poor and to the Rich, according to your best Skill, and according to Law; and you shall nott bee off Councill in any Quarrell that shall come before you, You shall nott Lett, for Guilt or other Cause, butt Well and Truly you shall doe your office of Justice of the peace, takeing only your appointed ffees; and you shall nott direct, or Cause to bee directed, any Warrant (by you to bee made) to the partyes, butt you shall direct your Warrant to the Sherriffe, his under Sherriffe, or deputy, or other officers proper for the Execution of the Same in the County, or to some Indifferent person; and this you shall doe without favour or Respect of persons. So help you God, &c.

A True Coppy.

Test: ELEAZAR KIMBERLY, Sec̃ry.

HARTFORD, May 11th, 1699.

Indorsed, — "May 11th, 1699.

Justices Oath. — Coppy."

John Allyn to Governor John Winthrop.

HARTFORD, Feb. 18, 1675.

MUCH HONORD S^R. — Yours of the 12th of Feb. was receiued the 17th instant, with the notice Inclosed of sad Intelligence of slaughter & despoyle about Lancaster, Grougton, &c., which Threatens farther like devastations, If God prevent not; in order to which prevention, The prosecution ordered by the commissioners seems a needfull expedient, & for which we haue wayted & kept o^r souldiers ready, & doe Intend, *deo volente*, not to fayle of meeting at place & time prefixed according to o^r proportion, But cannot conceive what will become of so many horses, which cannot live as camelions, no more then men, & yet some cannot be wanted to carry some Baggage & for easement of some officers, or to carry off wounded men as we conceiue. we have seen the coppy sent to M^r Stanton to be so improved with Ninicraft, &c., as is mentioned, & haue wished something that way had beene sooner tryed with the Narrogancets; upon tearmes honourable & safe for the future, of which we hinted o^r thoughts to Gouverno^r Winsloe before; nor doe we now receed from those thoughts as is suggested to M^r Stanton, for his encouragement, in obseruance of yours now sent him: we purpose to send Indians a long allso, who have hitherto well approved themselves; but we have exhausted almost all the Trucking cloath, that is here to be had; doe therefore need some peices more, from Boston to be sent, wth ammunition, seeing they doe now seem to make war their Trade, & we are constrained to affoord them supplyes diuers wayes; & doe thinke they doe service to Christ & his gospell in this war, so farr as they approue themselves faythfull therein. May it not then deserue to receiue recompence upon the corporation acco^t, however some wayes or other it must be done, our sence of delay in prosecution, we signified in our last that is not yet com to your hand, Because our dayly expecting from the

commissioners made us linger in sending it; for what you haue engaged to Mr Wharton in repayment we cannot deny, though pay is like to be difficult here, our rate being not sufficient to defray charges, & yet how th[ey can] be payd by many is hard to conceiue, for *ultra posse non est esse*, as you pleased to say in another case before, but we must lay o^r all at Gods foote & endeauour duty. & remayn

Honord S^r, your affectionate freinds & seruants,

The councill of Conecticott p their order signed,

JOHN ALLYN, Sec^y.

These
For the Hon^{ble} JOHN WINTHROP, Esq.,
Governor of Conecticott, at Boston
this dd

Hast, hast, post hast,
For his Ma^{ties} special seruice.

'Thomas Danforth to the Same.

CAMBR. 1. 6. 1672.

HON^p S^r, — Your loveing lines by y^e hand of G^m* Rescues sonne I receiued, and am glad to see your care for o^r peace, and well wishes to the poore Colledge in its p^sent low estate therein breathing. I shall only give you this breife returne at p^sent. As for Dr. Hoare, He came over under some (though not severe) obligation to y^e new church. Himselfe seemes to referr y^e matter to y^r Determination: yet do not in y^e least decline y^e motion made in behalfe of y^e colledge. but as his disposition of mind is thought to be y^t way, so also it is app^rhended y^t he will be a better p^sid^t, yⁿ a pulpitt man (at least) as to vulg^r acceptation. yet I perceiue y^e ch^rch do not freely come of in y^e matter. nor do I app^rhend y^t anything will be fully concluded on before y^e Geⁿall court meet. I had thought to haue added to a word referring to y^e Apologie for y^e Colonyes non-acceptance of y^e motion made to y^r selves in behalfe of y^e colledge, but y^e messeng^r staying I must for beare. yet give mee leave to intreate yo^r selfe to give one look upon it yo^rselfe, and according to yo^r wisdome & interest give them y^or owne app^rhension faethfully & sincerely therein.

Hon^d S^r, I am greatly obleged to you (as in other respects) so also, & abundantly for yo^r great love, labo^r & costs for my deare sister, I thank you for yo^r kind intimation of love & respect touching her. I bless y^e Lord for her. I haue not now time to write p^ticularly to her but in case shee be not gone home I pray p^sent my love to her. And if you or yo^rs haue any service for mee y^t I am capeable of, spare me not. I shall acc^t it not only duty but an opportunity to repay some p^t of her debt to your wor^d. with my humble service to yo^r self & Mrs. Winthrop, I take leave,

Hond. S^r, to subscribe my self

Yo^rs wher I may,

THOMAS DANFORTH.

S^r, let mee intreat you if y^r be any thing to be done for Mr. Corletts daughter as to cure of her distemp^d sp^t, y^t you will pity both

her & her poore parents ther, and w^t ever you do let her not come again in this condition shee is now: for shee will most c^teinly be y^e death of her Parents; but rather let her be handed to y^e old man on y^e Iland, for y^e benefit of his govern^t to be extended to her.

Dr. HOPPIN inquired if the portraitt said to be that of Charles Chauncy, the second President of the College, in the collection belonging to Harvard College, was really known to be authentic. He had some doubts about it. No one present could satisfy his doubts.

FEBRUARY MEETING, 1874.

A stated meeting was held on Thursday, the 12th instant, at 11 o'clock A.M.; the President in the chair.

The Recording Secretary read the record of the preceding meeting.

The Librarian read the list of donors to the Library for the month past.

The Corresponding Secretary read a letter of acceptance from Edward A. Freeman, D.C.L., of England, elected an Honorary Member at the September meeting.

The Recording Secretary presented, in the name of the author, the "Memorial of Thomas Potts, Junior, who settled in Pennsylvania, with an historic-genealogical account of his descendants to the eighth generation. By Mrs. Thomas Potts James. Cambridge: privately printed. 1874." 416 pp. 4to, — for which the thanks of the Society were voted.

The President presented, in the name of the author, the "Life and Correspondence of Samuel Johnson, D.D., Missionary of the Church of England in Connecticut, and first President of King's College, New York. By E. Edwards Beardsley, D.D., Rector of St. Thomas's Church, New Haven." New York: 1874, — for which the thanks of the Society were ordered.

The President then said: —

Happening to observe, in one of our daily papers, an account of a little story book, published at Christmas, entitled "Fanny St. John," I found, on turning to it at the bookstore, that it contained what purports to be the history of the family of